

### **REMARKS**

In the May 22, 2007 Office Action, claims 1-6 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

#### ***Status of Claims and Amendments***

None of the claims are being amended by the current Amendment. Thus, claims 1-6 are pending, with claim 1 being the only independent claim. Reexamination and reconsideration of the pending claims are respectfully requested in view of the following comments.

#### ***Rejections - 35 U.S.C. § 103***

On pages 2 and 3 of the Office Action, claims 1-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,199,854 (Aoyama) in view of U.S. Patent No. 5,228,289 (Norton).

On page 2 of the Office Action, the Office Action states that Aoyama discloses a discharge control valve circuit and a pressure control valve that form a unitary control device. The Office Action states that the Aoyama does not disclose a control device configured to control a variable-speed motor. Norton is cited for the teaching of a plural pump system with a valve element that controls motor energization in a continuously varying manner.

Applicants respectfully assert that one of ordinary skill in the art would not combine Aoyama with Norton. Aoyama discloses a hydraulic supply arrangement for use in an automotive suspension. Norton discloses a hydraulic booster pump system for use in a brake system of a vehicle.

Specifically, in Aoyama, the pumps 34a, 34b are placed in drive connection with *the engine 36 of the vehicle* by way of a drive shaft 36a. See column 7, lines 12-14. In Norton, an electric motor 22, 126 is turned on when the brake pedal is pressed and no power is

supplied when the brake pedal is in a free position. See column 9, lines 1-6. The high efficiency in a high volume, low pressure mode or low volume, high pressure mode cited by the Office Action is for situations described in column 9 of Norton. Applicants respectfully assert that one of ordinary skill in the art would not apply the control means of Norton to *an engine of a vehicle*. By combining the control means of Norton with the *vehicle engine* of Aoyama, the Office Action is essentially proposing to control the *vehicle engine* for the purposes of actuating a hydraulic suspension system. One of ordinary skill in the art would not do so and indeed, controlling the *vehicle engine 36* of Aoyama, as the electric motor 22, 126 of Norton is controlled would render the vehicle inoperable. Thus, the *vehicle engine 36* of Aoyama would not be modified with “a valve element that controls motor energization in a continuously varying manner ... so it the pump system can operate efficiently at both high and low volume operation....”

Accordingly, the prior art of record lacks any apparent reason, suggestion or expectation of success for combining the patents to create the Applicants' unique pump unit.

In addition, Applicants respectfully assert that the proposed hydraulic system resulting from a combination of Aoyama and Norton would not include a control device arranged to receive a signal from the pressure sensor. The Office Action fails to show how a pressure control valve 12 of Aoyama “that inherently detects a pressure arranged upstream of the pumps, which detects the pressure of only the second discharge line when the first switch is commanded to dump the discharge of the first pump” would be used by the valve element that controls motor energization in a continuously varying manner.

The pressure control valve 12 is concerned with controlling pressures in chambers  $F_L$  and  $F_U$  by moving a spool 15 in different positions. See column 6, lines 48-55. Thus, the

hydraulic system resulting from the proposed combination would not result in a control means of Norton arranged to receive a signal from the pressure control unit 12 of Aoyama.

Moreover, the pressure sensor of claim 1 is arranged to detect a pressure of the second discharge line. The pressure control valve 12 is not arranged to detect a pressure of the second passage 38b.


Moreover, Applicants believe that the dependent claims are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 1, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of the rejections.

### *Conclusion*

In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-6 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

  
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